

REMARKS

The Examiner is thanked for conducting a personal interview with Applicants' representative on March 5, 2010.

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Rejections under 35 U.S.C. §102(b) and 103(a)

With respect to the rejection of claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Minami (US 6,060,691) in view of Yamaji (US 2003/0005959), Applicants respectfully traverse the rejections at least for the reason that Minami and Yamaji, combined or separately, fail to describe each and every limitation recited in pending claims.

As recited in claim 1, the heater unit includes a radiant heating section, surrounding the direct heating section, and extending to an area of the flow path forming sections, excluding an area which is brought into direct contact with the direct heating sections, the pair of joints and a part of each of the sleeves, enclosed by the main body, configured to heat the inside of the main body by radiant heat, wherein each of the pipe through-holes has a diameter for receiving each of the sleeves, and the flow path forming sections including the body, the whole of the pair of the joints, and the part of the sleeves are entirely covered by the main body so that only the residual areas of the sleeves and the fluid piping system is exposed from the pipe through-holes, and the area extending from the part of one sleeve to the part of the other sleeve excluding the area which is brought into direct contact with the direct heating sections, enclosed by the main body, are constructed so as to be heated by the radiant heat from the radiant heating section.

Generally, according to claim 1, the heater unit covers the area extending from a part of one sleeve to a part of another sleeve, including a flow path forming section and joints.

In contrast with Applicants' claimed invention, Minami does not inherently provide radiant heat as contended by the Examiner. Further, Minami does not have similar structural and functional characteristics as that of Applicants' claimed invention. To cure the deficiencies of Minami, the Examiner applies Yamaji as showing the use of heating tape extending the entire length of a device. Applicants submit, however, that absent the benefit of Applicants' own disclosure, there is no explanation, suggestion or teaching in the relied-upon prior art that could render the differences obvious to one of ordinary skill in the art because none of the relied upon references contemplate the features recited in claim 1 of the present invention. Where all claimed features are not shown or described in the relied upon prior art, Office personnel (as noted in MPEP § 2141 at pp. 2100-118 (8th Ed., Rev. 6th, Sept. 2007)), must explain why the differences between the relied-upon prior art and the claimed invention would have been obvious to one of ordinary skill in the art.

At this juncture, Applicants submit herewith a Declaration under 37 C.F.R. 1.132 to show that Applicants were aware of the reference to Minami and experimentations were conducted as discussed in the Declaration to prove superior characteristics of the presently claimed invention over that of Minami.

As to the teachings of Yamaji, while this reference may disclose a fluid control apparatus, in which heat tapes 11 extend to block coupling members 24, the block coupling members 24 are not encapsulated by the heat tapes 11. Hence, such a configuration would not result in the block coupling members being efficiently heated by the heat tapes 11. Accordingly, it is respectfully submitted that the teachings of Yamaji do nothing to overcome the shortcomings associated with Minami as outlined in detail in the Declaration, and thus fails to render obvious Applicants claimed invention.

In view of the arguments set forth above and in view of the Declaration, Applicants respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 1-3.

3. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the present application is now in proper condition for allowance. Accordingly, it is requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-3 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' representative, the Examiner is hereby invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

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